

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO: 2004-12099GAO

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SHERWIN COOPERSTEIN, by )  
ALICE COOPERSTEIN POA, and )  
ALICE COOPERSTEIN, )  
Plaintiffs, )  
vs. )  
ROBERT DAVIS, M.D. and CAPE COD )  
HEALTHCARE, INC., )  
Defendants. )

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**PROPOSED JOINT STATEMENT PURSUANT TO L.R. 16.1(D) AND**  
**CERTIFICATION PURSUANT TO L.R. 16.1(D)(3)**

Pursuant to the Court's Notice of Scheduling Conference and Rule 16.1(D) of the Local Rules of the United States District Court for the District of Massachusetts, counsel for the defendants, Robert Davis, M.D. and Cape Cod Healthcare, Inc. (collectively referred to herein as the "Defendants") have conferred with counsel for the plaintiff, Sherwin Cooperstein, by Alice Cooperstein POA, and Alice Cooperstein (referred to herein as the "Plaintiff"), and they have prepared the following proposed Joint Statement.

**1. Joint Discovery Plan and Motion Schedule**

The parties propose the following pre-trial schedule:

- (a) Automatic document disclosure to be completed within fourteen (14) days after the 26(f) Conference;
- (b) Amendments and/or supplements to the pleadings may be filed within three (3) months of the 26(f) Conference;

- (c) Written discovery requests are to be filed within two (2) months and answers/responses are to be filed within four (4) months of the 26(f) Conference;
- (d) All depositions are to be completed within seven (7) months of the 26(f) Conference, except for depositions of expert witnesses as set forth in (e);
- (e) The Plaintiff's trial experts are to be designated within six (6) months of the 26(f) Conference, and the Defendants' expert witnesses are to be designated thirty (30) days after the Plaintiff discloses said expert(s) as contemplated by Fed. R. Civ. P. 26(b)(4)(A)(i); expert depositions are to be completed within sixty (60) days following the close of fact written and deposition discovery;
- (f) Motions for summary judgment are to be filed within nine (9) months of the 26(f) Conference and responses are to be filed forty-five (45) days thereafter; and
- (g) A final pre-trial conference will be held within twelve (12) months of the 26(f) Conference.

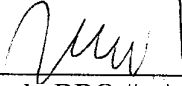
**2. Parties' Certification Pursuant to L.R. 16.1(D)(3)**

Pursuant to the Rule 16.1(D)(3) of the Local Rules of the United States District Court for the District of Massachusetts, counsel for the above named Robert Davis, M.D. and Cape Cod Healthcare, Inc. and counsel for the plaintiff, Sherwin Cooperstein, by Alice Cooperstein POA, and Alice Cooperstein, certify as follows:

- (a) Parties have conferred with a view towards establishing a budget for the cost of conducting the full course of the litigation as well as any alternative courses; and
- (b) Parties have conferred to consider the resolution of the litigation through the use of alternative dispute resolution programs, and are amendable to such alternative dispute resolution at the appropriate juncture of this litigation.

Respectfully submitted,

For the Plaintiff,  
SHERWIN COOPERSTEIN, by  
ALICE COOPERSTEIN POA, and  
ALICE COOPERSTEIN,



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Dated: January 18, 2006

Respectfully submitted,

For the Defendants,  
ROBERT DAVIS, M.D. and  
CAPE COD HEALTHCARE, INC.,



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Tanya K. Oldenhoff, BBO #651006  
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Dated: January 25, 2006

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the EFC system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on January 26, 2006.

/s/ Tayna K. Oldenhoff

Tanya K. Oldenhoff